

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY FONDREN, )  
                        )  
Petitioner,         )  
                        )  
vs.                   ) Case No. CIV-08-1161-F  
                        )  
MIKE MULLINS,      )  
                        )  
Respondent.         )

**ORDER**

This action seeks habeas relief under 28 U.S.C. § 2254, and was construed by the Magistrate Judge as arising under 28 U.S.C. § 2241. Petitioner appears *pro se*, and his pleadings are liberally construed.

Magistrate Judge Doyle W. Argo entered his Report and Recommendation in this matter on December 17, 2008, recommending that the petition be denied. (Doc. no. 13.) Petitioner filed a timely objection to the Report, objecting to the magistrate judge's recommended findings and conclusions. (Doc. no. 14.) Accordingly, the court reviews the matter *de novo*. Any issues raised before the court that were not raised before the Magistrate Judge were waived.<sup>1</sup>

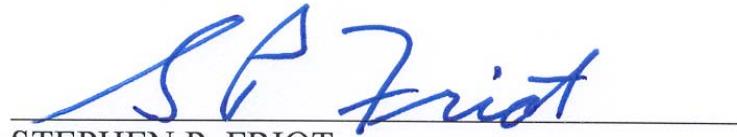
After careful study of petitioner's objections, the Report, the record, and the relevant legal authorities, the court finds and concludes that it concurs with the magistrate judge's determinations. The court further finds that no purpose would be served by repeating the magistrate judge's determinations or by presenting any

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<sup>1</sup>See, Marshall v. Chater, 75 F.3d 1421, 1426 (10<sup>th</sup> Cir. 1996) ("Issues raised for the first time in objections to the magistrate judge's recommendation are deemed waived."); Tracy v. Addison, 16 Fed. Appx. 928, 2001 WL 901142 (10<sup>th</sup> Cir. 2001) (unpublished habeas case, cited per Tenth Circuit Rule 36.3, in which issue raised for the first time in objections to magistrate judge's report deemed waived, citing Marshall, *supra*).

additional analysis here. Accordingly, the Report and Recommendation of Magistrate Judge Argo is **ACCEPTED, ADOPTED** and **AFFIRMED** in its entirety. The Petition for a Writ of Habeas Corpus is **DENIED**.

Dated this 29<sup>th</sup> day of January, 2009.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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